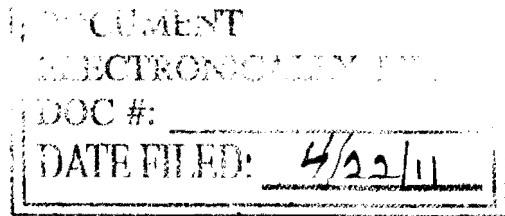


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
MESSIAH ALI BEY

Petitioner,

09 Civ. 8416

- against -

OPINION

WARDEN BAILEY,

Respondent.  
-----X

**Sweet, D.J.,**

By an opinion and order of this Court dated April 14, 2010, and entered on the docket on April 15, 2010, the petition of Messiah Ali Bey ("Bey" or "Petitioner") for a writ of habeas corpus under 28 U.S.C. § 2254 was denied as unexhausted and without merit. Bey v. Bailey, No. 09 Civ. 8416 (RWS), (S.D.N.Y. Feb. 14, 2010).

In the opinion denying Bey's petition, this Court did not address the question of whether a Certificate of Appealability would issue. For the reasons set forth in the April 14, 2010 opinion, this Court finds that the Petitioner has not made a substantial showing of the denial of a Constitutional right, and that a certificate of appealability therefore will not issue. 28 U.S.C. § 2253; see also Lozada v. United States, 107 F.3d 1011(2d Cir. 1997), abrogated on other grounds by United States v. Perez, 129 F.3d 255, 259-60 (2d Cir. 1997).

It is so ordered.

New York, NY  
April 21, 2011

A handwritten signature in black ink, appearing to read "Sweet", written over a horizontal line.

ROBERT W. SWEET  
U.S.D.J.